

CHAPTER 70

TRANSPORTATION

SENATE BILL 14-060

BY SENATOR(S) Todd and King, Guzman, Hodge, Newell, Nicholson;
also REPRESENTATIVE(S) Coram and Williams, Labuda, Mitsch Bush, Rosenthal, Schafer, Tyler, Young.

AN ACT

CONCERNING THE AUTHORIZATION OF THE DEPARTMENT OF TRANSPORTATION TO CONDUCT
FLAGPERSON TRAINING.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 42-4-712, **amend** (3) as follows:

~~**42-4-712. Driving in highway work area.** (3) State and local road authorities, within their respective jurisdictions and in cooperation with law enforcement agencies, may train and appoint adult civilian personnel for special traffic duty as highway flagpersons within any highway maintenance or construction work area. Whenever such duly authorized flagpersons are wearing the badge, insignia, or uniform of their office, are engaged in the performance of their respective duties, and are displaying any official hand signal device of a type and in the manner prescribed in the adopted state traffic control manual or supplement thereto for signaling traffic in such areas to stop or to proceed, no person shall willfully fail or refuse to obey the visible instructions or signals so displayed by such flagpersons. Any alleged willful failure or refusal of a driver to comply with such instructions or signals, including information as to the identity of the driver and the license plate number of the vehicle alleged to have been so driven in violation, shall be reported by the work area supervisor in charge at the location to the district attorney for appropriate penalizing action in a court of competent jurisdiction. Any person who violates any provision of this section commits a class A traffic infraction.~~

SECTION 2. In Colorado Revised Statutes, **add** 43-5-308 as follows:

43-5-308. Flagpersons - definition - penalty. (1) (a) A PERSON SHALL NOT FAIL OR REFUSE TO OBEY THE VISIBLE INSTRUCTIONS, SIGNALS, OR DIRECTION DISPLAYED OR GIVEN BY A FLAGPERSON. A PERSON WHO VIOLATES THIS PARAGRAPH (a)

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

COMMITTS A CLASS A TRAFFIC INFRACTION.

(b) IF A DRIVER FAILS TO COMPLY WITH THE FLAGPERSON'S INSTRUCTIONS, THE FLAGPERSON OR ANY OTHER PERSON WITH INFORMATION AS TO THE IDENTITY OF THE DRIVER OR THE LICENSE PLATE NUMBER OF THE DRIVER'S VEHICLE MAY, AND IF PRACTICABLE SHALL, PROMPTLY RELAY THE INFORMATION TO THE APPROPRIATE LAW ENFORCEMENT AGENCY.

(2)(a) ONLY A TRAINED PERSON MAY PROVIDE TEMPORARY TRAFFIC CONTROL OR DIRECTION WITHIN ANY HIGHWAY, ROAD, OR STREET MAINTENANCE OR CONSTRUCTION WORK AREA AS A FLAGPERSON.

(b) THE DEPARTMENT SHALL AUTHORIZE PUBLIC AND PRIVATE ENTITIES TO CONDUCT FLAGPERSON CERTIFICATION TRAINING AND SHALL DEVELOP AND PROVIDE, AT COST, EXAMINATION AND TRAINING MATERIALS THAT AUTHORIZED ENTITIES MUST USE IN CONDUCTING FLAGPERSON CERTIFICATION.

(c) WHILE DIRECTING TRAFFIC, A FLAGPERSON SHALL WEAR HIGH-VISIBILITY GARMENTS AND DISPLAY AN OFFICIAL HAND SIGNAL DEVICE PRESCRIBED IN THE STATE TRAFFIC CONTROL MANUAL ADOPTED BY THE DEPARTMENT PURSUANT TO SECTION 42-4-104, C.R.S., OR ITS SUPPLEMENT.

(d) A FLAGPERSON SHALL ABIDE BY THE COLORADO MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES AND SHALL NOT USE ANY DEVICE THAT MIGHT DISTRACT THE FLAGPERSON'S VISION, HEARING, OR ATTENTION WHILE DIRECTING TRAFFIC.

(3) AS USED IN THIS SECTION, "FLAGPERSON" MEANS A PERSON:

(a) EIGHTEEN YEARS OF AGE OR OLDER;

(b) TRAINED BY AN ENTITY AUTHORIZED BY THE DEPARTMENT;

(c) EMPLOYED BY THE DEPARTMENT, A DEPARTMENT CONTRACTOR, A POLITICAL SUBDIVISION OF THE STATE, OR A CONTRACTOR OF A POLITICAL SUBDIVISION; AND

(d) ACTING IN HIS OR HER OFFICIAL CAPACITY WHILE PERFORMING WORK WITHIN A TEMPORARY TRAFFIC CONTROL ZONE.

(4) THIS SECTION DOES NOT APPLY TO LAW ENFORCEMENT PERSONNEL WHILE PERFORMING OFFICIAL LAW ENFORCEMENT DUTIES.

SECTION 3. Effective date. This act takes effect July 1, 2014.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 27, 2014